IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1184 OF 2007.

Dhondiram Shankar Masal & anr. ... Petitioners.
Versus.
Nana Narayan Masal and others. ... Respondents.

Shri Machindra Deshmukh i/by Shri Milind Deshmukh for the Petitioners.

Shri Suresh S.Shah for the Respondent No.1.

CORAM : ABHAY S.OKA, J.

DATED : 8th March, 2007.

P.C.:

1. By this writ petition under Article 227 of the Constitution of India, the Petitioner has taken exception to the order below Exh.41 passed by the Appellate Court by which an application for amendment of written statement made by the Petitioners/Defendants in a pending appeal has been rejected. The Appeal is preferred by the Petitioners/Defendants for challenging the decree of the trial Court. In the Appeal of the year 2002, they applied for amendment in the year 2004. Considering the nature of the order, it is obvious that the same is capable of being challenged in the Appeal which may be preferred by the Petitioners for challenging the final decree passed in the appeal, if the same is adverse to the Petitioners. It is not necessary to entertain this writ petition. Subject to what is stated above, this writ petition is rejected.

Judge.